



2026:AHC-LKO:19814

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C.
No. - 150 of 2021**

Aniruddh Prasad Pandey

.....Applicant(s)

Versus

State Of U.P. And Anr.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Indra Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

Case is called out in the revised list. No one is present on behalf of applicant to press the instant anticipatory bail application. Learned A.G.A. is present for the State.

By means of the present application the applicant has prayed applicant may be enlarged on anticipatory bail in the event of his arrest in 538/2020, Under Sections - 409/420 I.P.C., Police Station - Poorakalander, District – Faizabad/Ayodhya.

The Co-ordinate Bench of this Court vide order dated 27.01.2021 has passed the following order granting interim anticipatory bail to the applicant:-

"1. Heard Sri Indra Pratap Singh, learned counsel for applicant as well as learned A.G.A.

2. By means of the present application the applicant has prayed applicant may be enlarged on anticipatory bail in the event of his arrest in 538/2020, Under Sections - 409/420 I.P.C., Police Station - Poorakalander, District – Faizabad/Ayodhya.

3. It has been submitted by learned counsel for applicant that in the F.I.R. it has been stated that it is in relation to the civil work conducted at Ayodhya by the Construction and Design Division, Uttar Pradesh Jal Nigam. The applicant at the relevant time working as Resident Engineer and according to the F.I.R., the material in excess of what was required

was procured. Despite repeated reminders, the applicant as well as other concerned persons had not adjusted the said goods against the work done. The F.I.R only records that due to this fact, present F.I.R. has been lodged under Sections 409, 420 I.P.C.

4. It has been vehemently submitted by learned counsel for applicant that from the bare reading of the F.I.R., no offence under Section 409, 420 I.P.C. is made out against the applicant. It has further been submitted that the applicant has already submitted a consumption statement to Unit 21 on 06.02.2017 but the same was not taken into account while lodging the said first information report.

5. It has further been submitted that applicant is a public servant and does not have any criminal history and there is no possibility of the applicant fleeing away from the judicial process or tampering with the witnesses and in case, the applicant is granted anticipatory bail, he will not misuse the liberty of bail.

6. Learned A.G.A. on the other hand opposes the application for anticipatory bail but does to dispute the aforesaid contention.

7. Considering the above aspects of the matter and without entering into the merit of the case, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C. till the next date of listing.

8. Issue notice to opposite party No.4 returnable at an early date.

9. Steps in this regard be taken within three days.

10. Till the next date of listing, accused-applicant, namely, Aniruddh Prasad Pandey, in the event of his arrest in connection with aforesaid case crime, shall forthwith be released on bail on furnishing a personal bond and two sureties in the like amount to the satisfaction of the Arresting officer/Investigating Officer/ S.H.O. concerned on the following conditions:-

(i) That the accused-applicant shall make himself available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; and

(iii) That the accused-applicant shall not leave India without the previous permission of the Court.

11. The papers regarding bail submitted to the police officer on behalf of the accused/applicant shall form part of the case diary and would be submitted to the court concerned along with same at the time of submission of report under Section 173(2) Cr.P.C.

12. Under Part-III, Chapter- XVIII, Rule-18[3(a)] of the Allahabad High Court Rules, 1952 (amended), a copy of the bail application along with its enclosures be provided to the learned A.G.A. by learned counsel for applicant, within two days from today, without fail.

13. Learned A.G.A. prays for and is granted two weeks' time to file counter affidavit.

14. List this case on 23.02.2021. "

Learned counsel for the applicant submits that the applicant has been released on interim anticipatory bail after filing of the personal bonds and two sureties in compliance of the aforesaid order. He has duly cooperated in the investigation. He has not misused the liberty of interim anticipatory bail granted by the Court. He undertakes to cooperate in the trial and in case, he is enlarged on anticipatory bail, she shall not misuse the liberty of same.

Learned A.G.A. opposed the prayer for anticipatory bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Without expressing any opinion on the merits of the case and considering the nature of accusation so also the fact that the applicant has not misused the liberty of interim anticipatory bail granted by the Court coupled with the undertaking given by the applicant that he will cooperate in the trial, the interim protection granted by the coordinate bench of this Court vide order dated 27.01.2021 is made absolute in view of dictum of Apex Court in re: ***Sushila Aggarwal Vs. State (NCT of Delhi)-2020 SCC online SC 98.***

In view of the aforesaid, the anticipatory bail application is **allowed.**

(Rajeev Bharti,J.)

March 18, 2026

Arti/-